

1 RENE L. VALLADARES
2 Federal Public Defender
Nevada State Bar No. 11479
2 JOY CHEN
3 Assistant Federal Public Defender
4 411 E. Bonneville, Ste. 250
Las Vegas, Nevada 89101
(702) 388-6577/Phone
(702) 388-6261/Fax
5 Joy_Chen@fd.org

6 Attorney for Mitchell Jenkins
7

8 **UNITED STATES DISTRICT COURT**
9 **DISTRICT OF NEVADA**

10 UNITED STATES OF AMERICA,
11 Plaintiff,
12 v.
13 MITCHELL JENKINS,
14 Defendant.

15 Case No. 2:24-cv-00346-JCM-EJY

16 **Stipulation to Extend Time to File
Opening Brief and Answering Brief
(First Request)**

17 IT IS HEREBY STIPULATED AND AGREED, by and between Jason M. Frierson,
18 United States Attorney, and Robert L. Ellman, Assistant United States Attorney, counsel for
19 the United States of America, and Rene L. Valladares, Federal Public Defender, and Joy Chen,
20 Assistant Federal Public Defender, counsel for Mitchell Jenkins, request that the due date for
21 Mr. Jenkins' opening brief (ECF No. 2), be extended thirty (30) days; and that the due date for
22 the government's answering brief be extended thirty (30) days.

23 This Stipulation is entered into for the following reasons:

24 1. This case involves an appeal from a bench trial in which Mr. Jenkins was found
25 guilty of one count of resisting arrest, 43 C.F.R. 8365.1-4(a)(4). The parties disagreed about the
proper interpretation of the regulation, for which there is little governing caselaw, and the
26 sufficiency of the evidence presented at trial.

1 2. Given the relative complexity of this appeal, defense counsel needs a few more
2 weeks to review the record, research the issues, and prepare the opening brief.

3 This is the first request for a continuance filed herein.

4 DATED this 23rd day of February 2024.

5
6 RENE L. VALLADARES
Federal Public Defender

JASON M. FRIERSON
United States Attorney

7
8 By /s/ Joy Chen
9 JOY CHEN
Assistant Federal Public Defender

10 By /s/ Robert L. Ellman
11 ROBERT L. ELLMAN
12 Assistant United States Attorney

13
14
15
16
17
18
19
20
21
22
23
24
25
26

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,
Plaintiff,
v.
MITCHELL JENKINS,
Defendant.

Case No. 2:24-cv-00346-JCM-EJY
ORDER

IT IS THEREFORE ORDERED that upon consideration of Defendant's Request to Extend Time to File Opening Brief and Answering Brief, that the Defendant's deadline to file his opening brief is extended to **April 1, 2024**; and that the Government's deadline to file its answering brief is extended to **May 1, 2024**.

DATED February 26, 2024.

James C. Mahan
UNITED STATES DISTRICT JUDGE